

RUTAN & TUCKER LLP

Attorneys at Law

611 Anton Boulevard, 14th Floor
Costa Mesa California 92626-1998

Mailing Address: Post Office Box 1950, Costa Mesa, California 92628-1950

Telephone: 714.641.5100

Facsimile 714.546.9035

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FROM: **Barbara M. Hayashi**

RE:

OUR REF: 101044.0001US1	NUMBER OF PAGES, INCLUDING COVER: 9
01 SEPTEMBER 9902	
IMAGE CAPTURE AND IDENTIFICATION SYSTEM AND PROCESS	
EVRYX - WAYNE BONCYK, ET AL.	

MESSAGE:

Attached: 1) Petition to Make Special; 2) Statement in Support; 3) References 4 pages.

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Practitioner's Docket No. 101044.0001US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 13 2005

In re application of: **Ronald H. Cohen et al.**

Application No.: 09/992942

Group No.: 2621

Filed: 11/05/2001

Examiner: Ishrat Sherali

For: Image Capture and Identification System and Process

**Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT
(37 C.F.R. § 1.102 and M.P.E.P. § 708.02)**

Applicant hereby petitions to make this application special because of actual infringement.

1. Accompanying materials

- (a) a Statement by Attorney in Support of Petition to Make Special Because of Actual Infringement;
- (b) a copy of a screen print from the domain www.mobot.com;
- (c) a copy of another screen print from the domain www.mobot.com;
- (d) a copy of a another screen print from the domain www.mobot.com; and
- (e) a copy of a screen print from the domain www.nevenvision.com.

2. Fee (37 C.F.R. § 1.17(i)—\$130.00)

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 502191.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the USPTO at (703) 872-9306 on the date shown below.

Date: _____

4/12/05


Barbara Hayashi

Charge any additional fees required by this paper or credit any overpayment to deposit account 502191.

Date: 7/12/05

Reg. No.: 33,880
Tel. No.: 714-641-5100
Customer No.: 34284



Signature of Practitioner

Robert D. Fish
Rutan & Tucker, LLP
P.O. Box 1950
611 Anton Blvd., 14th Floor
Costa Mesa, CA 92628-1950

Practitioner's Docket No. 101044.0001US1

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**STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL
BECAUSE OF ACTUAL INFRINGEMENT (M.P.E.P. § 708.02)**

I, Robert D. Fish, Esq., attorney of record in this matter, hereby state the following:

A. There are infringing products on the market: (i) a product Mobot Mobile Visual Search; and (ii) Neven Vision's object recognition technology (see attached).


B. A rigid comparison of the alleged infringing product with the claims of the application has been made and in my opinion some of the claims are unquestionably infringed. For example, claim 31 currently recites:

31. A system comprising:
a camera that captures an image;
a telephony device programmed to transmit at least a portion of the image to a distal service;
the service programmed to receive the image, identify an object within the image;
associate the object with an information address; and return the address to the telephony device; and
the telephony device further programmed to utilize the address to retrieve an item of information related to the object.

The systems advertised by Mobot and Neven both discuss a camera that captures an image, a telephone that transmits the image to a distal service, identification of an object in the image, and return of an information address associated with the object.

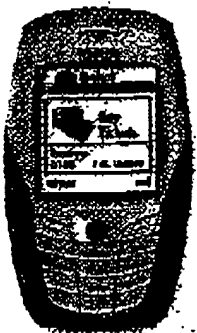
C. I have caused to be made a careful search of the prior art and have good knowledge of the pertinent prior art. All of the pertinent prior art known to us has already been made of record.

Date: 4/12/05



Robert D. Fish, Esq.
Reg. No. 33,880


Internet Explorer




Take a picture of a movie poster,
send it to mobot
and get ringtones, show times,
or even buy tickets.

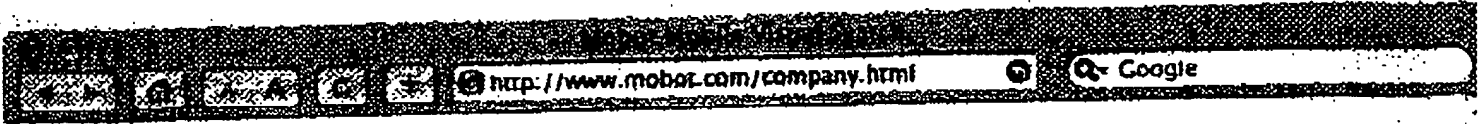
No keypad.
No difficult-to-use menus.

Shahid Balamir - Microsoft Internet Explorer



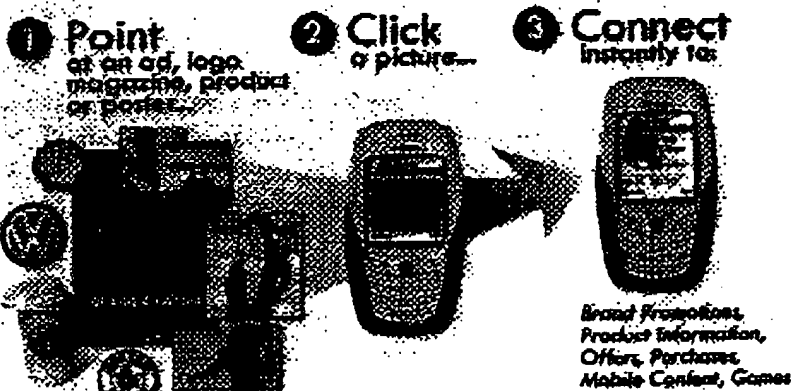
Take a picture of a movie poster,
send it to mobot
and get ringtones, show times,
or even buy tickets.





Home Solutions Technology Partners

Team Press Privacy Contact



At Mobot we are singularly focused on mobile visual search. Just point, click and connect.

We believe that images from camera phones hold a wealth of information and that consumers, when given the capability, will utilize their cameras in new and powerful ways. Some applications of mobile visual search will save consumers time, others will be fun and simply a way for them to interact with the world around them. In all cases Mobot delivers fast, contextual responses so that marketers, game designers, content providers, and retailers can deliver a rich mobile experience to consumers.

Mobot is made up of a team of creative and accomplished people. When we walk down the street, ride in the car, and go about our day to day lives, we see a world rich with visual messages...a world ready to be mobotized (and we're doing it).

We see mobotized cereal boxes, direct mail, headlines, placards, human billboards, brand tattoos, street signs, posters, logos, magazines, coasters, book covers, wild postings, CD jackets, retail signs, and much, much more. We see consumers interacting with brands on their own terms, right at the moment their interest is piqued. And we see a remarkably simple interaction model that enables creative possibilities where previously none existed.

So we've brought together expertise in internet and mobile content and services, image recognition and marketing to shape a world where mobile pictures are simple and

View the Demo

Mobot gives brands powerful insights into how consumers interact with their brand on their mobile devices. View the demo.

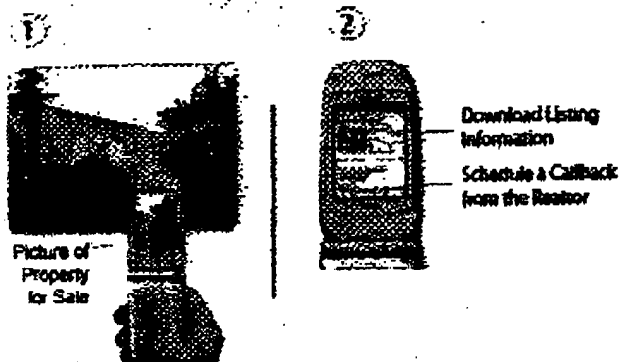
<http://www.nevenvision.com/products/app-exp>

Google

The Mobile Internet with Image-Based Connectivity

Explore the visually-hyperlinked world with Neven Vision's revolutionary object recognition technology. This application area allows a still image camera, camera phone, or digital video recorder (DVR) to intelligently recognize an object of interest and provide relevant information, content or actions.

A wireless customer subscribing to the service can simply instruct their camera to search for a recently clicked picture of a product, advertisement, historical landmark or even a road sign. In seconds, they receive relevant content direct to their phone, including competitive pricing, useful historical facts, directions or personalized promotions in seconds.



Example of NevenVision Image-Based Connectivity

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